

## REMARKS

Applicants thank the Examiner for the Office Action of June 9, 2008. This Amendment is in full reply thereto.

### **Claim Rejections Under 35 U.S.C. § 112:**

In the Office Action, the Examiner rejected claims 9-10 under 35 U.S.C. § 112(2) as indefinite because the values of the sub-ranges were not specified. Applicants have amended claim 5 to recite a plurality of predetermined *pressure* sub-ranges. Thus, the rejection should be withdrawn.

### **Claim Rejections Under 35 U.S.C. § 103(a):**

In the Office Action, the Examiner also rejected claims 5, 8, and 10-12 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,216,719 B1 (Meyer) in view of U.S. Patent No. 4,657,055 (Poulsen). Applicant respectfully traverse this rejection because the references, alone or in combination, fail to disclose, teach, or suggest all of the limitations of the claims as amended.

The Examiner takes the position that a pressure tapping located at a hose coupling of Meyer (86) is functionally equivalent to a pressure tapping on the storage tank. Applicants assert that the two (especially in conjunction with the pressure sensor's ability to measure a pressure within the storage tank via the pressure tapping and secondary hose) are not functional equivalents as evidenced by U.S. Patent No. 6,354,088 (Emmer et al.) at column 2, lines 33-37. Thus, the Examiner should withdraw the rejection for this reason alone because the cited references, alone or in combination, fail to disclose, teach, or suggest a pressure sensor that can be connected to a pressure tapping of the storage tank via a secondary hose where the pressure sensor is adapted to measure a pressure inside the storage tank.

To the extent that Meyer addresses the details of the claimed programmable logic, it discloses permitting a pump to operate as long as two pressure sensors verify pressure in the delivery hose at both ends. Applicants note that sensing the presence of pressure in two locations is not a disclosure of a measured pressure in the storage tank within a predetermined range, as claimed. A range by definition has lower and upper limits. To the extent that Poulsen

addresses the details of the claimed programmable logic, it discloses acceptance of a measured pressure within a single safe operating range, not a plurality of sub-ranges or establishment of operation of the pump within one of the plurality of sub-ranges. As such, the Examiner should withdraw the rejection for this reason alone.

With particular regard to claim 10, Applicants respectfully traverse because Meyer and Poulsen, alone or in combination, fail to disclose teach, or suggest a first of the sub-ranges being in the range of from 0.5 to 5 bar, a second of the sub-ranges being in the range of from 6 to 15 bar, and a third of the sub-ranges being in the range of from 16 to 35 bar.

In the Office Action, the Examiner also rejected claim 6 under 35 U.S.C. § 103(a) as unpatentable over Meyer in view of Poulsen and U.S. Patent No. 4,805,672 (Berrettini et al.). Applicants respectfully traverse because Meyer and Poulsen, alone or in combination, fail to disclose teach, or suggest the claimed subject matter as amended as explained above, and Berrettini et al. fails to cure that deficiency. To the extent that Berrettini et al. addresses the details of the claimed programmable logic, it discloses control of a valve based upon the reaching of a setpoint determined by the difference between two pressures. Applicants note that a setpoint corresponding to a difference between two pressures does not constitute a disclosure of the presence of a measured pressure in the storage tank within a predetermined range. To put it mathematically, Berrettini et al. discloses the relationship  $P1 - P2 \geq \delta P$ , while the claims require the relationship  $X \leq P3 \leq Y$ . As such, the rejection should be withdrawn.

In the Office Action, the Examiner also rejected claim 7 under 35 U.S.C. § 103(1) as unpatentable over Meyer in view of Poulsen, Berrettini et al., and U.S. Patent No. 5,062,417 (Cowen). Applicants respectfully traverse because Meyer, Poulsen, and Berrettini et al., alone or in combination, fail to disclose, teach or suggest the claimed subject matter as described above and Cowen fails to cure their deficiencies. As such, the rejection should be withdrawn.

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the

application, he is invited to call the undersigned attorney at the number listed below. An Information Disclosure Statement is being contemporaneously submitted along with the associated fee. Otherwise, it is believed that no fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

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